

Express Mail No.: EL 452 481 935 US

#111 B  
N.E.  
Farmer  
1/4/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: MacQueen *et al.*

Serial No.: 09/489,420

Group Art Unit: 1711

Filed: January 21, 2000

Examiner: S. Berman

For: *Coating Having Macroscopic  
Texture and Process for Making  
Same*

Atty Docket No.: 0312-058-999

RECEIVED  
JAN 03 2002  
TC 1700

AMENDMENT UNDER 37 C.F.R. § 1.116

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the final Office Action of October 23, 2001, please amend the above identified application as follows:

In the Claims

Please cancel claims 24-45, in response to the Examiner's restriction requirement in the Office Action dated April 24, 2001 without prejudice to Applicants' right to prosecute these claims in another application.

Please cancel claims 1-6, 8-16, 18-19, 21-23, and 47-51, 53-55, and 57 without prejudice to Applicants' right to prosecute these claims in another application.

Please amend claims 20, 46, 52, and 58 as follows:

OK to Enter  
Berman  
01-10-02

01/02/2002 GTEFFERA 00000072 161150 09489420

01 FC:102 336.00 CH

Application No. 09/489,420

CA1 - 288862.1

<sup>2</sup>  
~~20.~~ (Amended Twice) The pre-cured coating mixture of claim 46 further comprising:

B<sup>1</sup>  
a flattening agent comprising 5 micron-sized nylon particles; and  
wherein said radiation-curable resin comprises a mixture of urethane acrylate, ethoxylated diacrylate, propoxylated diacrylate, and ethoxylated trimethylolpropane triacrylate, and wherein said initiator comprises acylphosphine oxide.

1  
~~46.~~ (Amended Once) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator;  
a rheological control agent comprising a plurality of alumina particles having an approximate size in the range of 27-56 nanometers;

B<sup>2</sup>  
a plurality of texture-producing particles comprising 60 micron-sized nylon 12 particles;  
a coupling agent comprising prehydrolyzed silane; and  
wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

B<sup>3</sup>  
<sup>3</sup>  
~~58.~~ (Amended Once) The pre-cured coating mixture of claim <sup>1</sup>~~46~~ wherein said rheological control agent is approximately 1-80%, by weight, of said pre-cured coating mixture.

B<sup>4</sup>  
<sup>5</sup>  
~~58.~~ (Amended Once) The pre-cured coating mixture of claim <sup>1</sup>~~46~~ further comprising:

a flattening agent comprising 3 micron-sized nylon particles; and  
wherein said radiation-curable resin comprises a mixture of urethane acrylate, and ethoxylated trimethylolpropane triacrylate, and wherein said initiator comprises acylphosphine oxide.

Please add new claims 59-70 as follows:

6  
59. (New) A pre-cured coating mixture, comprising:

a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles having an approximate size in the range from 27-56 nanometers;

wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

7  
60. (New) A pre-cured coating mixture, comprising:

a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles comprising nanometer-sized alumina;

wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

8  
61. (New) A pre-cured coating mixture, comprising:

a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles comprising aluminosilicates;

wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

9  
62. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;

an initiator; and

a rheological control agent comprises organic solids selected from the group consisting of low molecular weight waxes, polymers of ethylene glycol, polymers of propylene glycol, natural polymers, polyamides, polypropylene, and mixtures thereof;

wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

<sup>10</sup>  
~~63~~. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator;  
a rheological control agent comprising inorganic particles having an approximate size in the range from 27-56 nanometers;  
a plurality of texture-producing particles; and  
wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

<sup>11</sup>  
~~64~~. (New) The pre-cured coating mixture of claim <sup>10</sup>~~63~~ wherein said rheological control agent is approximately 1-80%, by weight, of said pre-cured coating mixture.

<sup>12</sup>  
~~65~~. (New) The pre-cured coating mixture of claim <sup>10</sup>~~63~~ further comprising a coupling agent.

<sup>13</sup>  
~~66~~. (New) The pre-cured coating mixture of claim <sup>10</sup>~~63~~ wherein said pre-cured coating mixture has a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$ .

<sup>14</sup>  
~~67~~. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;

an initiator;  
a rheological control agent comprising inorganic particles comprising aluminosilicates;  
a plurality of texture-producing particles; and  
wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

15  
68. (New) The pre-cured coating mixture of claim <sup>14</sup>67 wherein said rheological control agent is approximately 1-80%, by weight, of said pre-cured coating mixture.

16  
69. (New) The pre-cured coating mixture of claim <sup>14</sup>67 further comprising a coupling agent.

17  
70. (New) The pre-cured coating mixture of claim <sup>14</sup>67 wherein said pre-cured coating mixture has a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of 0.150 s<sup>-1</sup>.

### REMARKS

The Examiner has only objected to claims 11-13, 15, 20, 49, 51, and 57-58 based upon a provisional double patenting rejection. Therefore, Applicants are submitting herewith a terminal disclaimer and have rewritten these claims in independent form. Specifically, Applicants have rewritten claims 11-13 and 15 as new independent claims 59-62, respectively. In addition, Applicants have amended claim 46 to incorporate the limitations of claim 57 and have amended claims 20 and 58, which were originally dependent from claim 57, to depend from amended claim 46. Applicants have also amended claim 52 to depend from amended claim 46 as well, and note that claim 56 was originally dependent from claim 46 and does not need to be amended. Applicants have also rewritten claims 49 and 51 as new independent claims 63 and 67, respectively, and have added dependent claims 64-66 and 68-70, respectively.

Based on the foregoing, Applicants believe that the claims are in condition for allowance. Applicants will now address each of the specific rejections in the order in which the Examiner raised them in the Office Action.

#### Election/Restrictions

Applicants have canceled, without prejudice to Applicants' right to prosecute these claims in another application, claims 24-45 in response to the Examiner's restriction requirement.

#### Rejections Under 35 U.S.C. § 102 and/or § 103

All of the rejections under 35 U.S.C. § 102 and/or § 103 made in this Office Action are directed to claims that have been canceled, without prejudice. As such, Applicants do not believe it is necessary to substantively respond to these rejections. However, this should not be interpreted as Applicants' acquiesce in the merit of these rejections.

Applicants note that the Examiner has only objected to claims 11-13, 15, 20, 49, 51, and 57-58. Therefore, these claims have be rewritten in independent form as described above and based upon the submission of a Terminal Disclaimer, discussed below, are now in condition for allowance.

B

Double Patenting

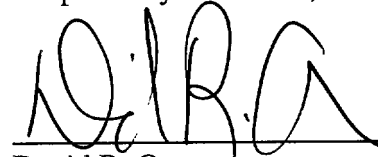
The Examiner has provisionally rejected claims 1-6, 8-16, 18-23, and 46-58 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 09/765,713. As such, Applicants submit herewith a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application in compliance with 37 C.F.R. § 1.321(c).

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. This attached page is captioned "Version With Markings to Show Changes Made." Also attached is a clean version of the entire set of pending claims. This page is entitled "Entire Set of Pending Claims."

In view of the above considerations, Applicants respectfully request a timely Notice of Allowance in this application.

Please charge any required fee to the Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,



David R. Owens

40,756  
(Reg. No.)

for

Frank E. Morris

24,615

PENNIE & EDMONDS LLP

1155 Avenue of the Americas

New York, New York 10036-2711

(212) 790-9090

Date December 19, 2001

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Claims 24-45, in response to the Examiner's restriction requirement in the Office Action dated April 24, 2001, have been canceled without prejudice to Applicants' right to prosecute these claims in another application.

Claims 1-6, 8-16, 18-19, 21-23, and 47-51, 53-55, and 57 have been canceled without prejudice to Applicants' right to prosecute these claims in another application.

Claims 20, 46, 52, and 58 have been amended as follows:

20. (Amended Twice) The pre-cured coating mixture of claim [57] 46 further comprising:

a flattening agent comprising 5 micron-sized nylon particles; and  
wherein said radiation-curable resin comprises a mixture of urethane acrylate, ethoxylated diacrylate, propoxylated diacrylate, and ethoxylated trimethylolpropane triacrylate, and wherein said initiator comprises acylphosphine oxide.

46. (Amended Once) A pre-cured coating mixture, comprising:

a radiation-curable resin;

an initiator;

a rheological control agent comprising a plurality of alumina particles having an approximate size in the range of 27-56 nanometers;

a plurality of texture-producing particles comprising 60 micron-sized nylon 12 particles;

a coupling agent comprising prehydrolyzed silane; and

wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.



52. (Amended Once) The pre-cured coating mixture of claim [47] 46 wherein said rheological control agent [comprises inorganic particles comprising] is approximately 1-80%, by weight, of said pre-cured coating mixture.

58. (Amended Once) The pre-cured coating mixture of claim [57] 46 further comprising:  
a flattening agent comprising 3 micron-sized nylon particles; and  
wherein said radiation-curable resin comprises a mixture of urethane acrylate, and ethoxylated trimethylolpropane triacrylate, and wherein said initiator comprises acylphosphine oxide.

New claims 59-70 have been added as follows:

59. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles having an approximate size in the range from 27-56 nanometers;  
wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

60. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles comprising nanometer-sized alumina;  
wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

61. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles comprising aluminosilicates;  
wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

62. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator; and  
a rheological control agent comprises organic solids selected from the group consisting of low molecular weight waxes, polymers of ethylene glycol, polymers of propylene glycol, natural polymers, polyamides, polypropylene, and mixtures thereof;  
wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

63. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator;  
a rheological control agent comprising inorganic particles having an approximate size in the range from 27-56 nanometers;  
a plurality of texture-producing particles; and  
wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

64. (New) The pre-cured coating mixture of claim 63 wherein said rheological control agent is approximately 1-80%, by weight, of said pre-cured coating mixture.

65. (New) The pre-cured coating mixture of claim 63 further comprising a coupling agent.

66. (New) The pre-cured coating mixture of claim 63 wherein said pre-cured coating mixture has a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$ .

67. (New) A pre-cured coating mixture, comprising:

a radiation-curable resin;

an initiator;

a rheological control agent comprising inorganic particles comprising aluminosilicates;

a plurality of texture-producing particles; and

wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

68. (New) The pre-cured coating mixture of claim 67 wherein said rheological control agent is approximately 1-80%, by weight, of said pre-cured coating mixture.

69. (New) The pre-cured coating mixture of claim 67 further comprising a coupling agent.

70. (New) The pre-cured coating mixture of claim 67 wherein said pre-cured coating mixture has a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$ .

**ENTIRE SET OF PENDING CLAIMS**

20. (Amended Twice) The pre-cured coating mixture of claim 46 further comprising:  
a flatting agent comprising 5 micron-sized nylon particles; and  
wherein said radiation-curable resin comprises a mixture of urethane acrylate, ethoxylated diacrylate, propoxylated diacrylate, and ethoxylated trimethylolpropane triacrylate, and wherein said initiator comprises acylphosphine oxide.

46. (Amended Once) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator;  
a rheological control agent comprising a plurality of alumina particles having an approximate size in the range of 27-56 nanometers;  
a plurality of texture-producing particles comprising 60 micron-sized nylon 12 particles;  
a coupling agent comprising prehydrolyzed silane; and  
wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

52. (Amended Once) The pre-cured coating mixture of claim 46 wherein said rheological control agent is approximately 1-80%, by weight, of said pre-cured coating mixture.

56. The pre-cured coating mixture of claim 46 wherein said pre-cured coating mixture has a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$ .

58. (Amended Once) The pre-cured coating mixture of claim 46 further comprising:  
a flatting agent comprising 3 micron-sized nylon particles; and  
wherein said radiation-curable resin comprises a mixture of urethane acrylate, and ethoxylated trimethylolpropane triacrylate, and wherein said initiator comprises acylphosphine oxide.

59. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles having an approximate size in the range from 27-56 nanometers;

wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

60. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles comprising nanometer-sized alumina;

wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

61. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator; and  
a rheological control agent comprising inorganic particles comprising aluminosilicates;  
wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

62. (New) A pre-cured coating mixture, comprising:  
a radiation-curable resin;  
an initiator; and

a rheological control agent comprises organic solids selected from the group consisting of low molecular weight waxes, polymers of ethylene glycol, polymers of propylene glycol, natural polymers, polyamides, polypropylene, and mixtures thereof;

wherein said radiation-curable resin, said initiator, and said rheological control agent form a pre-cured coating mixture having a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$  that is capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

63. (New) A pre-cured coating mixture, comprising:

a radiation-curable resin;

an initiator;

a rheological control agent comprising inorganic particles having an approximate size in the range from 27-56 nanometers;

a plurality of texture-producing particles; and

wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

64. (New) The pre-cured coating mixture of claim 63 wherein said rheological control agent is approximately 1-80%, by weight, of said pre-cured coating mixture.

65. (New) The pre-cured coating mixture of claim 63 further comprising a coupling agent.

66. (New) The pre-cured coating mixture of claim 63 wherein said pre-cured coating mixture has a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$ .

67. (New) A pre-cured coating mixture, comprising:

a radiation-curable resin;

an initiator;

a rheological control agent comprising inorganic particles comprising aluminosilicates;

a plurality of texture-producing particles; and

B

wherein said radiation-curable resin, said initiator, said rheological control agent, and said plurality of texture-producing particles form a pre-cured coating mixture capable of forming a macroscopic texture upon application of said pre-cured coating mixture on a substrate.

68. (New) The pre-cured coating mixture of claim 67 wherein said rheological control agent is approximately 1-80%, by weight, of said pre-cured coating mixture.

69. (New) The pre-cured coating mixture of claim 67 further comprising a coupling agent.

70. (New) The pre-cured coating mixture of claim 67 wherein said pre-cured coating mixture has a viscosity of approximately 100,000-1,000,000 cPs at a shear rate of  $0.150 \text{ s}^{-1}$ .



Express Mail No.: EL 452 481 935 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: MacQueen *et al.*

Serial No.: 09/489,420

Art Unit: 1711

Filed: January 21, 2000

Examiner: S. Berman

For: COATING HAVING MACROSCOPIC  
TEXTURE AND PROCESS FOR MAKING  
SAME

Attorney Docket No.: 312-058-999

**COMMUNICATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

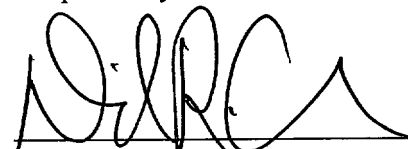
**RECEIVED**  
JAN 03 2002  
TC 1700

Applicants submit herewith a Terminal Disclaimer to Obviate a Provisional  
Double Patenting Rejection over a Pending Second Application.

The fee for this disclaimer is estimated to be **\$110.00**. Please charge the  
required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is  
enclosed.

Respectfully submitted,

Date December 19, 2001

  
David R. Owens

40,756  
(Reg. No.)

for

Francis E. Morris  
PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

24,615

Enclosure





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: MacQueen et al.

Application No.: 09/489,420

Group Art Unit: 1711

Filed: January 21, 2000

Examiner: S. Berman

For: Coating Having Macroscopic Texture  
and Process for Making Same

Attorney Docket No.: 312-058-999

**FEE TRANSMITTAL SHEET**

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
JAN 03 2002  
TC 1700

Sir:

The fee required to be filed with the accompanying amendment of even date herewith concerning the above-identified application has been estimated to be \$336.

The claim amendment fee has been estimated as shown below:

(Col. 1)			(Col. 2)		(Col. 3)		SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT			HIGHEST NO PREVIOUSLY PAID FOR		PRESENT EXTRA		RATE	ADDIT. FEE	OR	RATE
TOTAL	17	MINUS	45	=	0	×	9	\$		×
INDEP.	8	MINUS	4	=	4	×	42	\$		×
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM							140	\$		280
							TOTAL	\$	OR	TOTAL
										\$ 0.00
										\$ 336.00
										\$
										\$ 336.00

Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.  
A copy of this sheet is enclosed.

Respectfully submitted,

Date December 19, 2001

  
David R. Owens

40,756

(Reg. No.)

for

Francis E. Morris  
PENNIE & EDMONDS LLP  
3300 Hillview Avenue  
Palo Alto, CA. 94304  
(650) 493-4935

24,615

Enclosure